

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULE 28 §
OF THE RULES OF THE DELAWARE §
SUPREME COURT §

Before **STEELE**, Chief Justice, **HOLLAND**, **BERGER**, **JACOBS**,
and **RIDGELY**, Justices, constituting the Court *en banc*.

ORDER

This 13th day of March 2006, it appears to the Court that:

(1) It is desirable to amend Rule 28 of the Rules of the Delaware Supreme Court. Effective immediately, existing Rule 28 shall be deleted in its entirety and shall be replaced with the following new Rule 28:

Rule 28. Brief of amicus curiae.

(a) *When permitted.* A brief of an amicus curiae may be filed only by leave of Court granted on motion or at the request of the Court.

(b) *Motion for leave to file.* The motion must be accompanied by the proposed brief and state:

- (1) the movant's interest;
- (2) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case; and
- (3) whether the parties to the appeal consent to or oppose the motion for leave to file.

(c) *Contents and form.* An amicus brief must comply with Rule 13. The cover of the amicus brief must be green and must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. An amicus brief must include:

- (1) a table of contents, with page references;
- (2) a table of authorities, including cases (alphabetically arranged), statutes, and other authorities, with page references;

(3) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file; and

(4) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review.

(d) *Length.* Except by leave of the Court, an amicus brief may be no more than one-half the maximum length authorized by these rules for a party's principal brief. If the Court grants a party permission to file a longer brief, that extension does not affect the length of the amicus brief.

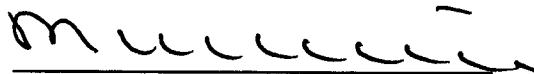
(e) *Time for filing.* An amicus curiae must file its brief, accompanied by a motion for filing, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's principal brief is filed.

(f) *Reply brief.* Except by leave of the Court, an amicus curiae may not file a reply brief.

(g) *Oral argument.* An amicus curiae may not participate in oral argument unless ordered by the Court.

(2) The Clerk of this Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE COURT:

A handwritten signature in dark ink, consisting of a series of loops and a final horizontal stroke, positioned above a horizontal line.

Chief Justice